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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,860	11/15/2001	Bruce A. Judson	000192	6945
23696	7590	01/20/2004	EXAMINER	
Qualcomm Incorporated Patents Department 5775 Morehouse Drive San Diego, CA 92121-1714			GESESSE, TILAHUN	
			ART UNIT	PAPER NUMBER
			2684	
			DATE MAILED: 01/20/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/998,860

Applicant(s)

JUDSON ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 22-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

### DETAILED ACTION

1. This is in response to applicant's amendment filed October 23, 2003 in which claims 22-30 are pending.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 22-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Hilsenrath et al "Hilsenrath" (6,026,304).

Regarding claim 22, Hilsenrath discloses a method for beam forming by base station (column 13, lines 15-25) , comprising: determining whether a mobile station has reported position information (column 9, line 53-column 10, line 10 and figure 4) and determining the number and the direction of beams using information supplied from a predetermined multi path database according to the position information (column 6, lines 6-17 , column 11, lines 37-56 and figures 11A-B)

Regarding claim 23,26, Hilsenrath discloses the multi path database (12 of 126) is created from measurements made by driving the mobile station through the coverage area of the base station and logging mobile position and angle of arrival of the energy (column 11, lines 37-56 and figures 11a-11b and column 12, lines 10-35).

Regarding claim 24,27, Hilsenrath discloses the multi path database is created from analysis of the surrounding in the coverage area of the base station (column 11, lines 37-56 and figures 4, column 12, lines 10-35).

Claim 25, which recited the steps of implementing apparatus, in place of method claim 1, is rejected for the same reason as set forth in the claim.

Regarding claim 28, Hilsenrath discloses a base station (128) comprising: a system processor (150) configured to determine whether a mobile station has reported position information column 9, line 53-column 10, line 10), and a spatial processing unit (150) configured to determine the number and the direction of beam using information supplied from a predetermined multi path database according to the reported position information (column 11, lines 37-56 and figures 11A-B).

Regarding claim 29, Hilsenrath discloses the multi path database is created from measurements made by driving the mobile station through the coverage area of the base station and logging mobile position and angle of arrival of the energy (column 11, lines 37-56 and figures 11A-B and column 12, lines 10-35).

Regarding claim 29, Hilsenrath discloses the multi path database is created from analysis of the surrounding in the coverage area of the base station column 11, lines 37-56 and figures 11A-B).

Regarding claim 30, Hilsenrath discloses the multi path database is created from measurements made by driving the mobile station through the coverage area of the base station and logging mobile position and angle of arrival of the energy (column 6 , lines 6-23, column 11, lines 37-56 and figures 11A-B).

***Response to remarks***

4. Applicant has corrected the specification for minor punctuation, typographical and grammatical errors, for inconsistent reference numerals; and for drawing descriptions that do not correspond to the figures is acknowledged and entered.

Applicant cancel the title in complies with the objection of title and summing new title is acknowledged.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

Art Unit: 2684

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

TBG

January 12, 2004

*Teletu Boz*  
TILAHUN GESESSE  
PATENT EXAMINER

Art Unit : 2684